

Appl. No. 09/625,982
Amendment dated May 27, 2004
Reply to Office Action of February 27, 2004

REMARKS

Claims 1-20 are pending in this application. Claims 3-12 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections while Claims 14-20 have been newly added in accordance with current Office policy, to further and alternatively define Applicants' disclosed invention and to assist the Examiner to expedite compact prosecution of the instant application.

Claims 5-13 have been rejected under 35 U.S.C. §102(e) as being anticipated by Ebrahim, U.S. Patent No. 6,154,777 for reasons stated on pages 5-6 of the Office Action (Paper No. 8). Specifically, in support of the rejection of Applicants' base claims 5, 9 and 11, the Examiner asserts that,

"Ebrahim explicitly discloses a distributor device for use with an online service providing system for selecting, when a service request is received from an external device, one of a plurality of service points offering services and for passing the request thereto, comprising: storage means for storing a service time zone of each service point; means for referring to the storage means and for selecting one of the service points currently in the service time zone; and means for relaying the service request to the service point selected (see abstract; figures 3-4; column 4, lines 32 to column 6 line 57)."

However, the Examiner's assertion is factually flawed, since the cited Abstract, FIGs. 3-4, and col. 4, line 31 extending to col. 6, line 57 of Ebrahim '777 does not disclose what the Examiner alleges. Therefore, Applicants respectfully traverse the rejection of Applicants' base claims 5, 9 and 11, and request the Examiner to reconsider and withdraw this rejection for the following reasons.

Ebrahim '777 discloses a name resolution system intended to reduce congestion and bottleneck from remote user terminals (service requesters) to a single service provider located on a network. As shown in FIG. 4, the system

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Includes requesters 100-120, a central server 150 having a name resolver (software or hardware) 180 provided therein to allow a single name, Internet address (e.g., URL address such as <http://www.sun.com>) to represent as many actual service providers, i.e., destination servers 210-230 providing services over a network such as Intranet, Internet or World Wide Web 190. As shown in FIG. 4, the name resolver 180 is interposed between the service requester 100-120 and the service providers, i.e., destination servers 210-230, and includes multiple binding tables and/or functions to resolve the request from the service requester 100-120 to an appropriate IP address for a destination server 210-230.

For example, as described on column 5, lines 1-18 of Ebrahim '777, if a user in Germany wishes to access www.sun.com (the WWW server for Sun Microsystems, Inc.), the user can simply send a request at the service requester 100-120, using an Uniform Resource Locator (URL) <http://www.sun.com>. The name resolver 180 at the central server 150 then determines if the server requester 100-120 is in Germany (see step 20, FIG. 3). This is because the selected destination may either be in the United States or elsewhere in Europe, since Sun Microsystems in this example has two "sun.com" locations. If there is a valid European destination server 210, 220 or 230, the name resolver 180 will resolve the destination address to "sun.com" in Europe. This resolved destination is then selected, and the request is forwarded to "sun.com" in Europe (see box 50, FIG. 3), and not in United States.

According to Ebrahim '777, the resolution may be based upon various criteria, such as requester information, destination information, request contents or other information.

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Ebrahim '777 does not disclose any storage means [or function] for storing a service time zone of each service point, means [or function] for referring to the storage means and for selecting one of the service points currently in the service time zone; and means [or function] for relaying the service request to the service point selected as defined in Applicants' base claims 5, 9 and 11.

The cited Abstract, FIGs. 3-4, and col. 4, line 31 extending to col. 6, line 57 of Ebrahim '777 simply refer to the use of a name resolver 180 interposed between a service requester 100-120 and service providers, i.e., destination servers 210-230, via an Intranet/Internet/WWW, to resolve the request from the service requester 100-120 to an appropriate IP address for a destination server 210-230, as described above.

In contrast to Ebrahim '777, Applicants' claimed "distributor device" as currently defined in Applicants' base claims 5, 9 and 11, is able to store a service time zone of each service point [available on a network], to check the call originator and select one of the service points currently in the service time zone in accordance with such storage (database) and then relay the service request to the service point selected.

The rule under 35 U.S.C. §102 is well settled that anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); In re Spada, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Those elements must either be inherent or disclosed expressly and must be arranged as in the claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 7 USPQ2d 1057 (Fed.

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Cir. 1988); Verdegall Bros., Inc. v. Union Oil Co., 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). The corollary of that rule is that absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ2d 81 (Fed. Cir. 1986).

The burden of establishing a basis for denying patentability of a claimed invention rests upon the Examiner. The limitations required by the claims cannot be ignored. See In re Wilson, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). All claim limitations, including those which are functional, must be considered. See In re Oelrich, 666 F.2d 578, 212 USPQ 323 (CCPA 1981). Hence, all words in a claim must be considered in deciding the patentability of that claim against the prior art. Each word in a claim must be given its proper meaning, as construed by a person skilled in the art. Where required to determine the scope of a recited term, the disclosure may be used. See In re Barr, 444 F.2d 588, 170 USPQ 330 (CCPA 1971).

In the present situation, Ebrahim '777 fails to disclose and suggest key features of Applicants' base claims 5, 9 and 11. Therefore, Applicants respectfully request that the rejection of Applicants' base claims 5, 9 and 11 be withdrawn.

Nevertheless, for purposes of expedition, Applicants' base claims 5, 9 and 11 has been amended to further define the on-line relationship between the distributor device and the external device, via a first network, and between the distributor device and service points, via a second network. This on-line relationship is not disclosed or suggested by Ebrahim '777. As a result, Applicants respectfully request that claims 5, 9 and 11 be placed in condition for allowance.

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With respect to dependent claim 6, the Examiner asserts that Ebrahim '777 discloses, on FIG. 6, column 6, lines 18-29 for allegedly disclosing that "the service time zones of a plurality of service points allow a 24-hour continuous service." However, the Examiner's assertion is also incorrect. The cited FIG. 6 and column 6, lines 18-29 illustrate a situation where the name resolver 180 utilizes geography-based resolution criteria in order to resolve the request (Uniform Resource Locator "URL" <http://www.sun.com>) from the service requester 100-120 to an appropriate IP address for a destination server 210, 220 or 230, in Europe or in the United States as discussed above. The cited FIG. 6 and column 6, lines 18-29 of Ebrahim '777 does not disclose that "the service time zones of a plurality of service points allow a 24-hour continuous service" as defined in Applicants' claim 6.

With respect to Applicants' claims 7-8, the Examiner asserts that Ebrahim '777 discloses, on FIGs. 3-4; column 4, line 32 to column 6, line 17; and column 4, line 61 to column 6, line 57 for allegedly disclosing that,

"the second storage means for registering a call Identifier; and means for controlling, when a call identifier of an originator of the service request is beforehand registered to the second storage, operation of relaying the service request to a service point (figures 3-4; and column 4, line 32 to column 6, line 17); and also discloses that the storage means stores a service time zone and a service type of each service point, the device further including means for referring to the storage means and selecting one of the service points which matches in a service type with the service request and which is currently in the service time zone (figures 3 and 6-7; and column 4, line 61 to column 6, line 57).

Again, the Examiner's assertion is also incorrect. The cited FIGs. 3-4 and 6-7 and column 4, line 32 to column 6, line 57 only describe a situation where the name resolver 180 utilizes geography-based resolution criteria in order to resolve the request (Uniform Resource Locator "URL" <http://www.sun.com>) from the service

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requester 100-120 to an appropriate IP address for a destination server 210, 220 or 230, in Europe or in the United States as discussed above.

In view of the foregoing deficiencies of Ebrahim '777, Applicants respectfully request that the rejection of Applicants' base claims 5-13 be withdrawn.

Lastly, claims 1-4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ebrahim, U.S. Patent No. 6,154,777, as modified to incorporate selected features from Dancs et al., U.S. Patent No. 6,385,651 for reasons stated on pages 2-5 of the Office Action (Paper No. 8). Specifically, the Examiner asserts that,

Ebrahim discloses an online service providing system, comprising: a terminal equipment of a user requesting a service; a computer installed at each of a plurality of service points offering services; and a distributor device intervening via a network between the terminal equipment and the computers to pass the service request from the terminal equipment to one of the computers, wherein the distributor device includes: first storage means for storing information regarding each user; second storage means for storing a service time zone of each service point; means for referring to the second storage means and for selecting one of the service points currently in the service time zone; and means for relaying communication between the terminal equipment and the service point selected (see abstract; figures 3-4; column 4, line 32 to column 6, line 57).

The Examiner has admitted that Ebrahim '777 does not disclose,

"the means for referring to, when a service request is received from a user, the first storage means and for determining whether or not the user is authorized to receive a service offered; and means for referring to the second storage means and for selecting one of the service points currently in the service time zone when the user is authorized."

However, the Examiner cites the Abstract, FIG. 1, FIGs. 7-8; column 4, lines 9-51; column 9, lines 24-33; column 10, lines 23-47; and column 13, lines 50-62 of Dancs '651, as a secondary reference, for allegedly disclosing the above features in order to support a conclusion that "it would have been obvious ... to incorporate the

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teachings of Dancs et al as stated above with the on-line service providing system of Ebrahim because it would have minimized the system bottleneck and improved the system, network and user security."

This rejection is respectfully traversed, however. Applicants respectfully submit that key features of Applicants' base claim 1 are **not** disclosed or suggested by Ebrahim '777 and Dancs '651, whether taken individually or in combination with any other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection for the following reasons.

Base claim 1 defines an online service providing system, comprising:

a terminal equipment of a user requesting a service;
 a computer installed at each of a plurality of service points offering services;

and

a distributor device intervening via a network between the terminal equipment and the computers to pass the service request from the terminal equipment to one of the computers, wherein the distributor device includes:

first storage means for storing information regarding each user;

second storage means for storing a service time zone of each service point;

means for referring to, when a service request is received from a user, the first storage means and for determining whether or not the user is authorized to receive a service offered;

means for referring to the second storage means and for selecting one of the service points currently in the service time zone when the user is authorized; and

means for relaying communication between the terminal equipment and the service point selected.

As expressly defined in Applicants' base claim 1, the user terminal equipment (PC) is connected with the automatic distributor device via the network (as shown, for example, in FIG. 1). When the user requests the service, the automatic distributor device checks whether the user and the requested service type are authorized by referring to the access authorization level DB (first storage means, FIG. 3) and using the call identifier. The automatic distributor device then selects

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available one of service points providing the requested service by referring to the service point DB (second storage means, FIG. 4). Such authorization and service point selection are performed by depending on the call identifier and the DBs.

In contrast to Applicants' base claim 1, Ebrahim '777, as a primary reference, discloses a name resolution system, as shown in FIG. 4, including requesters 100-120, a central server 150 having a name resolver (software or hardware) 180 provided therein to enable a single name, Internet address (e.g., URL address such as <http://www.sun.com>) to represent as many actual service providers, i.e., destination servers 210-230 providing services over a network such as Intranet, Internet or World Wide Web 190. As shown in FIG. 4, the name resolver 180 is interposed between the service requester 100-120 and the service providers, i.e., destination servers 210-230, to resolve the request from the service requester 100-120 to an appropriate IP address for a destination server 210-230.

According to Ebrahim '777, a request (e.g., URL address such as <http://www.sun.com>) from the service requester 100-120 to a given service provider, i.e., destination server 210, 220 or 230 is resolved to the appropriate IP address. The appropriate IP address is determined based upon a combination of one or more predetermined criteria by depending on the context of the request (abstract). The request is then forwarded to the selected destination, i.e., destination server 210, 220 or 230.

However, Ebrahim '777 does not disclose any storage means for storing a service time zone of each service point, means for referring to the storage means and for selecting one of the service points currently in the service time zone; and

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means for relaying the service request to the service point selected as defined in Applicants' base claim 1, and as allegedly the Examiner.

Moreover, Ebrahim '777 does not disclose, a correctly identified by the Examiner,

"the means for referring to, when a service request is received from a user, the first storage means and for determining whether or not the user is authorized to receive a service offered; and means for referring to the second storage means and for selecting one of the service points currently in the service time zone when the user is authorized."

As a secondary reference, Dancs '651 does not remedy the noted deficiencies of Ebrahim '777 in order to arrive at Applicants' base claim 1. This is because Dancs '615 discloses a distributed computer system, as shown in FIG. 1, including NC client 101, a switching network 103, a relationship server 111 disposed between the switching network 103 and a database 112, an Internet Access Provider (IAP) 105 disposed between the switching network 103 and the Internet 108, and an Internet Service Provider (ISP) 109. Dancs '615 provides a service that a client can connect with the Internet Service Provider (ISP) 109 using the relationship server 111 and the NC card 102. The relationship server 111 is connected to the database 112 maintaining the information on the connection and the authentication between the client 101 and the ISP 109. The client can communicate with the ISP 109 after the client is authenticated and allowed to connect the ISP 109 by the relationship server 111.

Dancs '615 also shows the two-phase connection scheme. In Dancs '615, NC client 101 is connected with the relationship server 111 via the switching network 103. The NC client 101 is identified by the device identification-number. In the first

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phase, the NC client 101 connects to the relationship server 111 and the relationship server 111 looks up the database 112 to find a suitable ISP partner. The relationship server 111 sends back to the NC client connect information for the partner ISP service. In the second phase, the NC client 101 can access the ISP 109 using the connect information send back from the relationship server 109 (see column 5, lines 38 to 58). The database 112 includes all manufacturers' unique Identification numbers and the relationships those manufacturers have with various ISPs.

In short, Dancs '561 does not disclose,

"the means for referring to, when a service request is received from a user, the first storage means and for determining whether or not the user is authorized to receive a service offered; and means for referring to the second storage means and for selecting one of the service points currently in the service time zone when the user is authorized"

as alleged by the Examiner.

In contrast to Dancs '615, Applicants' base claim 1 utilizes different databases to store user dependent data and service provider dependent data, which enable maintenance and management and provide improved control between the user (service requester) and the service provider. As a result, the user can use various services without being conscious of the service provider and the service provider can provide different level of service depending on the user. If Dancs '615 is incorporated into Ebrahim '777 in the manner suggested by the Examiner, such control cannot be accomplished.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103, the Examiner must show that the prior art reference (or references when combined) must teach or suggest all the claim limitations, and that there must be some

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suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, provided with a reasonable expectation of success. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2143. In other words, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USQP 494, 496 (CCPA 1970). "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination." ACS Hospital System, Inc v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). The Examiner must point to something in the prior art that suggests in some way a modification of a particular reference or a combination of references in order to arrive at Applicants' claimed invention. Absent such a showing, the Examiner has improperly used Applicants' disclosure as an instruction book on how to reconstruct to the prior art to arrive at Applicants' claimed invention. Furthermore, any deficiencies in the cited references cannot be remedied with conclusions about what is "basic knowledge" or "common knowledge". See In re Lee, 61 USPQ 2d 1430 (Fed. Cir. 2002).

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In the present situation, Ebrahim '777 and Dancs '651 fail to disclose and suggest key features of Applicants' base claim 1. Therefore, Applicants respectfully request that the rejection of claims 1-4 be withdrawn.

Claims 14-20 have been newly added to alternatively define Applicants' disclosed invention over the prior art of record. These claims are believed to be allowable at least for the same reasons discussed against all the outstanding rejections of the instant application. A fee of \$86.00 is incurred by the addition of one independent claim.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney at the Washington DC area office at (703) 312-6600. Applicants respectfully reserve all rights to file subsequent related application(s) (including reissue applications) directed to any or all previously claimed limitations/features which have been amended or canceled, or to any or all limitations/features not yet claimed, i.e., Applicants have no intention or desire to dedicate or surrender any limitations/features of the disclosed invention to the public.

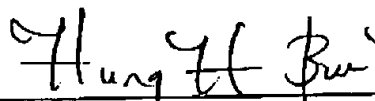
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To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage of fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, No. 01-2135 (Application No. 500.38821X00), and please credit any excess fees to said deposit account.

Respectfully submitted,

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